

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LILLIAN J. TOCCO,

Plaintiff ,

-vs-

Case No. 05-73963  
Hon. AVERN COHN

ARGENT MORTGAGE COMPANY, LLC, a  
Delaware Corporation, AMC MORTGAGE  
SERVICES f/k/a AMERIQUEST MORTGAGE  
COMPANY, a Delaware Corporation, and  
RYAN PHILLIPS, Jointly and Severally,

Defendants.

**ORDER DENYING DEFENDANTS' MOTION *IN LIMINE***  
**TO EXCLUDE EVIDENCE THAT PLAINTIFF DID NOT TIMELY**  
**RECEIVE DISCLOSURES FROM ARGENT MORTGAGE**  
**COMPANY PURSUANT TO THE TRUTH IN LENDING ACT**

Defendants have filed a motion to exclude evidence that plaintiff did not timely receive the disclosures by the Truth In Lending Act. Plaintiff has responded. Whether or not plaintiff received the disclosures in a timely fashion is in dispute. The issue must be resolved by the jury. The fact that plaintiff may not have been inconsistent on this issue goes to her credibility and can not be decided on motion.

The motion is DENIED.

SO ORDERED.

Dated: May 24, 2007

s/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to the parties of record on this date, May 24, 2007, by electronic and/or ordinary mail.

s/Julie Owens  
Case Manager, (313) 234-5160